IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 57 OF 2005
IN
SECOND APPEAL NO. 231 OF 2000

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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CORAM: P.V. KAKADE, J.

DATED: 15TH JULY, 2005

P.C.:

1. Heard learned counsel for both sides. Perused the record.

2. It is to be noted that the second appeal is admitted. The factual matrix involved herein shows that the respondent has come with the case that he is tenant in the possession. The lower court as well as the lower appellate Court granted injunction against the present appellant and, therefore, the order passed by the lower appellate Court in the nature in which the prayer is made cannot be granted.

3. However, it is directed that parties shall maintain status-quo with regard to the possession of the suit property as on

today. Further it is directed that the amount which is deposited in the lower Court shall be invested in any nationalized bank pending hearing of the appeal.

With these directions, the application stands disposed of with no order as to costs.

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